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Pet. v.
Aband.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/075,172
Confirmation No. 7318
Filing Date February 13, 2002
E Inventor..... B. E. Cron
V Assignee..... Micron Technology, Inc.
Group Art Unit..... 3723
Examiner E. A. Ojini
Attorney's Docket No. MI22-1804
Customer No. 021567
Title: Methods For Conditioning Surfaces Of Polishing Pads After Chemical-Mechanical
Polishing

PETITION TO THE COMMISSIONER UNDER THE AUTHORITY OF 37 C.F.R. §1.181

To: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: David G. Latwesen, Ph.D. (Tel. 509-624-4276; Fax 509-838-3424)
Wells St. John P.S.
601 W. First Avenue, Suite 1300
Spokane, WA 99201-3828

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TECHNOLOGY CENTER

Applicant hereby petitions the Commissioner to withdraw a holding of abandonment pertaining to U.S. Patent Application Serial No. 10/075,172. Submitted herewith is a "Notice of Abandonment" mailed by the Patent Office on June 23, 2004 pertaining to U.S. Patent Application Serial No. 10/075,172. Also submitted herewith is: (1) a copy of a "Response to November 19, 2003 Office Action" filed by applicant on February 5, 2004; (2) a copy of a transmittal for a "Response to November 19, 2003 Office Action" filed by Applicant on February 5, 2004; and (3) a copy of an "Auto-Reply Facsimile Transmission" received from the United States Patent and Trademark Office (USPTO) on 2/5/04 and evidencing that the transmittal and the Response were received by the USPTO on 2/5/04.

The Patent Office has erroneously held that Patent Application Serial No. 10/075,172 went abandoned due to Applicant's failure to respond to an Office Action of November 19, 2003 by the deadline of February 19, 2004, and has sent the accompanying "Notice of Abandonment". The error in the Patent Office's holding of abandonment is evidenced by the accompanying Response, transmittal letter, and "Auto-Reply Facsimile Transmission"; all of which evidence that Applicant's response to the Office Action of November 19, 2003 was properly filed on February 5, 2004.. Applicant respectfully requests that the Patent Office correct its error by withdrawing the holding of abandonment pertaining to U.S. Application Serial No. 10/075,172.

Applicant believes that no fees are due to have this Petition considered and granted. In the event that the Examiner disagrees, Applicant requests a telephone call to the undersigned (509-624-4276).

Respectfully submitted,

By: 
David G. Latwesen, Ph.D.
Reg. No. 38,533

Dated: July 6, 2004

Encl. *Copy of Notice of Abandonment*
Copy of Transmittal Form
Copy of Response to November 19, 2003 Office Action
Copy of Auto-Reply Facsimile Transmission



UNITED STATES PATENT AND TRADEMARK OFFICE

CPE
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,172	02/13/2002	Brian E. Cron	MI22-1804	7318
21567	7590	06/23/2004	EXAMINER	
			OJINI, EZIAMARA ANTHONY	
		ART UNIT	PAPER NUMBER	
			3723	

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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EV372453511



Notice of Abandonment

Notice of Abandonment	Application No.	Applicant(s)	
	10/075,172	CRON, BRIAN E.	
	Examiner Anthony Ojini	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 19 November 2003.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

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Joseph J. Hail, III
Supervisory Patent Examiner
Technology Center 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Auto-Reply Facsimile Transmission



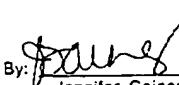
TO: Fax Sender at 5098383424

Fax Information
Date Received: 2/5/2004 7:15:24 PM [Eastern Standard Time]
Total Pages: 9 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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FEB-05-2004 16:30	WELLS ST JOHN PS	5098383424 P.01
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE		
Patent Application Serial No. 10/075,172		
Filing Date February 13, 2002		
Inventor B. Cron		
Assignee Micron Technology, Inc.		
Group Art Unit 3723		
Examiner E.A. Ojini		
Attorney Docket No. MI22-1804		
Title: Methods For Conditioning Surfaces of Polishing Pads After Chemical-Mechanical Polishing		
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8		
I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office at (703) 372-9306 on the date shown below:		
1. Certificate of Facsimile Transmission 2. Response to November 19, 2003 Office Action		
Dated: <u>February 5, 2004</u>	By:  Jennifer Gaines, Legal Assistant Telephone No. (509) 624-4276	
FEES DEFICIENCY		
Although it is believed that no fees are due, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper to Deposit Account No. 23-0925.		
Dated: <u>February 5, 2004</u>	By:  David G. Latwesen, Ph.D. Telephone No. (509) 624-4276	
NUMBER OF PAGES IN FACSIMILE: <u>9</u>		



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Patent Application Serial No. 10/075,172
Filing Date February 13, 2002
Inventor B. Cron
Assignee Micron Technology, Inc.
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Chemical-Mechanical Polishing

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office at (703) 872-9306 on the date shown below:

1. Certificate of Facsimile Transmission
2. Response to November 19, 2003 Office Action

Dated: February 5, 2004

By:

Jennifer Gaines, Legal Assistant
Telephone No. (509) 624-4276

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FEE DEFICIENCY

Although it is believed that no fees are due, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper to Deposit Account No. 23-0925.

Dated: February 5, 2004

By:

David G. Latwesen, Ph.D.
Telephone No. (509) 624-4276

NUMBER OF PAGES IN FACSIMILE: 9

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S C A N

TRANSMITTAL FORM

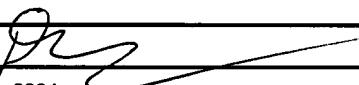
(to be used for all correspondence after initial filing)

		Application Number	10/075,172
		Filing Date	2/13/2002
		First Named Inventor	Brian E. Cron
		Art Unit	3723
		Examiner Name	E.A. Ojini
Total Number of Pages in This Submission		Attorney Docket Number	MI22-1804

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1 Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2 Petition to the Commissioner
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3 Copy of Notice of Abandonment
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Remarks	4 Copy of Transmittal Form
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		5 Copy of Response to 11/19/03 O/A
		6 Copy of Receipt (Auto Reply Fax)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David G. Latwesen, Ph.D.; Wells St. John P.S.
Signature	
Date	July 6, 2004

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CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	***** VIA EXPRESS MAIL *****
Signature	EV372453511
	Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.